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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 24th November, 2009:—

BILL No. 101 OF 2009

A Bill to amend the Central Universities Act, 2009

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Central Universities (Amendment) Act, 2009.

Short title and commencement.

(2) It shall be deemed to have come into force on the 20th day of October, 2009.

25 of 2009.

2. (1) After section 3 of the Central Universities Act, 2009 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

Insertion, of section 3A.

“3A. (1) The Central University of Jammu and Kashmir established under sub-section (4) of section 3 shall be known as the Central University of Kashmir and its territorial jurisdiction shall be limited to the Kashmir Division of the State of Jammu and Kashmir.

Special provision with respect to the State of Jammu and Kashmir.

(2) There shall be established a university, which shall be a body corporate, to be known as the Central University of Jammu having its territorial jurisdiction extending to the Jammu Division of the State of Jammu and Kashmir.

(3) All assets and liabilities of the Central University of Jammu and Kashmir in respect of the territory of Jammu Division of the State of Jammu and Kashmir shall stand transferred to be the assets and liabilities of the Central University of Jammu.

(4) Anything done or any action taken by the University of Jammu and Kashmir in respect of the territory of Jammu Division of the State of Jammu and Kashmir shall be deemed to have been done or taken by the Central University of Jammu.

(5) Any suit or legal proceedings instituted or continued by or against the Central University of Jammu and Kashmir in respect of the territory of Jammu Division of the State of Jammu and Kashmir shall be deemed to have been instituted or continued by or against the Central University of Jammu.”.

Amendment
of the First
Schedule to
the principal
Act.”

3. In the First Schedule to the principal Act, for serial number 5 and the corresponding entries against it, the following serial numbers and entries shall be substituted, namely:—

“5.	Jammu and Kashmir	Central University of Kashmir	Kashmir Division of the State of Jammu and Kashmir
5A.	Jammu and Kashmir	Central University of Jammu	Jammu Division of the State of Jammu and Kashmir”.

Repeal and
saving.

4. (1) The Central Universities (Amendment) Ordinance, 2009, is hereby repealed.

Ord. 8 of
2009.

(2) Notwithstanding the repeal of the Central Universities (Amendment) Ordinance, 2009, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Ord. 8 of
2009.

STATEMENT OF OBJECTS AND REASONS

The Central Universities Act, 2009 was enacted by Parliament to establish and incorporate universities for teaching and research in the various States and to provide for matters connected therewith or incidental thereto. The Act provided, *inter alia*, for establishment of a Central University in the State of Jammu and Kashmir by the name of Central University of Jammu and Kashmir.

2. The Government of Jammu and Kashmir had informed in July, 2008 that it had identified three sites in and around Jammu for the setting up of the Central University but the exact locations were not decided. Hence, to start with its activities, a temporary office of the University was set up in the State Capital, Srinagar as was done for the Central Universities in other such States where the exact locations had not been decided. However, there was an upsurge of sentiments for its location in Kashmir Valley.

3. In view of the equally pressing demand for establishment of a Central University in Jammu region also, it was felt necessary to establish two separate Central Universities, one each in Jammu region and in the Kashmir Valley, for maintaining regional harmony in the State. Accordingly, it was decided to rename the then existing Central University of Jammu and Kashmir as the Central University of Kashmir and to establish a new Central University by the name of Central University of Jammu by appropriate amendments to the Central Universities Act, 2009.

4. As a number of preparatory steps were required to be taken for operationalising the new Central University of Jammu, well in time, for the next academic session and as the Parliament was not in session, the Central Government considered it necessary to take immediate action to amend the Central Universities Act, 2009. The Central Universities (Amendment) Ordinance, 2009 (Ord. 8 of 2009) was, therefore, promulgated by the President on the 20th October, 2009.

5. The Bill seeks to replace the Central Universities (Amendment) Ordinance, 2009.

KAPIL SIBAL.

NEW DELHI;
The 17th November, 2009.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to insert a new section 3A in the Central Universities Act, 2009, so as to establish a university as a body corporate to be known as the Central University of Jammu having its territorial jurisdiction extending to the Jammu Division of the State of Jammu and Kashmir and to limit the territorial jurisdiction of the then existing Central University of Jammu and Kashmir to the territory of the Kashmir Division to be known as the Central University of Kashmir. The financial requirement of each of these Universities is estimated at Rs. 240 crore to meet the non-recurring as well as the recurring expenditure during the financial years 2009-2010 to 2011-2012. The expenditure would be met from the Consolidated Fund of India through the budgetary provisions under the Department of Higher Education, Ministry of Human Resource Development.

BILL No. 100 OF 2009

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Constitution (One Hundred and Twelfth Amendment) Act, 2009.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of article
243T.

2. In article 243T of the Constitution,—

(i) in clause (2), for the word “one-third”, the word “one-half” shall be substituted;

(ii) in clause (3), for the word “one-third”, the word “one-half” shall be substituted;

(iii) for clause (4), the following shall be substituted, namely:—

“(4) The offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Municipalities in any State shall bear, as nearly as may be, the same proportion to the total number of such offices as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of that State:

Provided further that not less than one-half of the total number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Municipalities shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes:

Provided also that not less than one-half of the total number of offices of Chairpersons (including the number of offices reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) in the Municipalities shall be reserved for women:

Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Municipalities.”.

STATEMENT OF OBJECTS AND REASONS

Parliament enacted the Constitution (Seventy-fourth Amendment) Act in 1992. This Act has inserted "Part IXA" in the Constitution relating to Municipalities. Article 243T of the Constitution provides for reservation of seats for the Scheduled Castes and the Scheduled Tribes and also for women in Urban Local Bodies. Clause (2) of Article 243T provides that not less than one-third of the total number of seats reserved under clause (1) of the said article shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes. Similarly, clause (3) of article 243T provides that not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality. Further clause (4) of article 243T provides that the offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide.

2. The Hon'ble President of India in her address to Parliament on June 4, 2009 stated that a Bill providing fifty per cent. reservation for women in the Urban Local Bodies would be moved by the Government as women suffer multiple deprivations of class, caste and gender and enhancing reservation in Urban Local Bodies will lead to more women entering the public sphere. Enhancement of reservation for women in Urban Local Bodies will not only ensure their increased representation and participation in Urban Local Bodies but also mainstream gender concerns in governance and decision making process, particularly, those related to women's issues such as water supply, sanitation, solid waste management, health and education. This is only desirable since women constitute nearly half of the population.

3. Accordingly, a Bill has been prepared after inter-Ministerial consultations and the State Governments. The State Governments of Himachal Pradesh, West Bengal, Bihar, Tamil Nadu, Kerala, Madhya Pradesh and Andhra Pradesh have supported the proposal for providing fifty per cent. reservation for women in Urban Local Bodies. The State Governments of Bihar, Himachal Pradesh and Madhya Pradesh have already provided for fifty per cent. reservation for women in Urban Local Bodies.

4. The Bill seeks to achieve the aforesaid objectives.

NEW DELHI;
The 10th November, 2009.

S. JAIPAL REDDY.

P. D. T. ACHARY,
Secretary-General.